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February 28, 2001 LB 227

SENATOR JENSEN: Thank you, Mr. President, members of the body. The committee amendment is simple. As Senator Thompson has already explained, LB 227 prohibits smoking in an enclosed, indoor area of a restaurant. One exception provided by that prohibition in the bill is a restaurant that has a Class C(1) or M liquor license and the full-service area of the restaurant designated as a smoking area is separate from the nonsmoking area of the restaurant. The committee amendment, AM0166, offered to the committee by Senator Thompson, tightens that exception up by requiring that the smoking area also has to be separately enclosed and ventilated. That includes...or that will conclude the opening on the committee amendment, Mr. President.

SENATOR CUDABACK: Thank you, Senator Jensen. For discussion on the committee amendments, Senator Smith.

SENATOR SMITH: Thank you, Mr. President, members. I...if Senator Jensen would yield to questions regarding the amendment.

SENATOR CUDABACK: Senator Jensen, would you yield, please?

SENATOR JENSEN: Yes.

SENATOR SMITH: Now, with the separately enclosed and ventilated facility, so how...how stringent would be separately enclosed? Must there be a door, must there be an entirely separate heating ventilation and cooling system? How...how would that be judged?

SENATOR JENSEN: In the amendment, the type of enclosure is not spelled out. I would assume that it would be either glass enclosed or a wall. But the whole purpose is to separately ventilate the area and not allow that smoke from the smoking area to penetrate the nonsmoking area.

SENATOR SMITH: Okay, thank you. I would rise, I guess, to support the amendment to further clarify the term "separate", as originally included in the bill; however, I would say that there is still some undefined terms here that we want to put into statute and, for that purpose, I would still raise questions. I think it's headed in the right direction, but I will reserve the